

# SENATE BILL No. 190

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-4-5-7.

**Synopsis:** Jury exemptions. Removes the provision exempting veterinarians and dentists from jury service.

**Effective:** July 1, 2004.

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January 6, 2004, read first time and referred to Committee on Judiciary.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## SENATE BILL No. 190

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 33-4-5-7, AS AMENDED BY P.L.195-2003,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2004]: Sec. 7. (a) A person shall be excused from acting as a  
4 juror if the person:  
5 (1) is over sixty-five (65) years of age;  
6 (2) is a member in active service of the armed forces of the United  
7 States;  
8 (3) is an elected or appointed official of the executive, legislative,  
9 or judicial branches of government of:  
10 (A) the United States;  
11 (B) Indiana; or  
12 (C) a unit of local government;  
13 who is actively engaged in the performance of the person's official  
14 duties;  
15 (4) is a member of the general assembly who makes the request  
16 to be excused before being sworn as a juror;  
17 (5) is an honorary military staff officer appointed by the governor



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under IC 10-16-2-5;

(6) is an officer or enlisted person of the **Indiana** guard reserve ~~forces~~ authorized by the governor under IC 10-16-8;

~~(7) is a veterinarian licensed under IC 15-5-1.1;~~

~~(8)~~ (7) is serving as a member of the board of school commissioners of the city of Indianapolis under IC 20-3-11-2;

~~(9) is a dentist licensed under IC 25-14-1;~~

~~(10)~~ (8) is a member of a police or fire department or company under IC 36-8-3 or IC 36-8-12; or

~~(11)~~ (9) would serve as a juror during a criminal trial and the person is:

(A) an employee of the department of correction whose duties require contact with inmates confined in a department of correction facility; or

(B) the spouse or child of a person described in clause (A); and desires to be excused for that reason.

(b) A prospective juror is disqualified to serve on a jury if any of the following conditions exist:

(1) The person is not a citizen of the United States, at least eighteen (18) years of age, and a resident of the county.

(2) The person is unable to read, speak, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily a juror qualification form.

(3) The person is incapable of rendering satisfactory jury service due to physical or mental disability. However, a person claiming this disqualification may be required to submit a physician's or authorized Christian Science practitioner's certificate confirming the disability, and the certifying physician or practitioner is then subject to inquiry by the court at the court's discretion.

(4) The person is under a sentence imposed for an offense.

(5) A guardian has been appointed for the person under IC 29-3 because the person has a mental incapacity.

(6) The person has had rights revoked by reason of a felony conviction and the rights have not been restored.

(c) A person may not serve as a petit juror in any county if the person served as a petit juror in the same county within the previous three hundred sixty-five (365) days. The fact that a person's selection as a juror would violate this subsection is sufficient cause for challenge.

(d) A grand jury, a petit jury, or an individual juror drawn for service in one (1) court may serve in another court of the county, in accordance with orders entered on the record in each of the courts.

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1 (e) The same petit jurors may be used in civil cases and in criminal  
2 cases.

3 (f) A person may not be excluded from jury service on account of  
4 race, color, religion, sex, national origin, or economic status.

5 (g) Notwithstanding IC 35-47-2, IC 35-47-2.5, or the restoration of  
6 the right to serve on a jury under this section and except as provided in  
7 subsections (c), (d), and (l), a person who has been convicted of a  
8 crime of domestic violence (as defined in IC 35-41-1-6.3) may not  
9 possess a firearm:

10 (1) after the person is no longer under a sentence imposed for an  
11 offense; or

12 (2) after the person has had the person's rights restored following  
13 a conviction.

14 (h) Not earlier than five (5) years after the date of conviction, a  
15 person who has been convicted of a crime of domestic violence (as  
16 defined in IC 35-41-1-6.3) may petition the court for restoration of the  
17 person's right to possess a firearm. In determining whether to restore  
18 the person's right to possess a firearm, the court shall consider the  
19 following factors:

20 (1) Whether the person has been subject to:

21 (A) a protective order;

22 (B) a no contact order;

23 (C) a workplace violence restraining order; or

24 (D) any other court order that prohibits the person from  
25 possessing a firearm.

26 (2) Whether the person has successfully completed a substance  
27 abuse program, if applicable.

28 (3) Whether the person has successfully completed a parenting  
29 class, if applicable.

30 (4) Whether the person still presents a threat to the victim of the  
31 crime.

32 (5) Whether there is any other reason why the person should not  
33 possess a firearm, including whether the person failed to complete  
34 a specified condition under subsection (d) or whether the person  
35 has committed a subsequent offense.

36 (i) The court may condition the restoration of a person's right to  
37 possess a firearm upon the person's completion of specified conditions.

38 (j) If the court denies a petition for restoration of the right to possess  
39 a firearm, the person may not file a second or subsequent petition until  
40 one (1) year has elapsed.

41 (k) A person has not been convicted of a crime of domestic violence  
42 for purposes of subsection (h) if the conviction has been expunged or

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1 if the person has been pardoned.

2 (l) The right to possess a firearm shall be restored to a person whose  
3 conviction is reversed on appeal or on post-conviction review at the  
4 earlier of the following:

5 (1) At the time the prosecuting attorney states on the record that  
6 the charges that gave rise to the conviction will not be refiled.

7 (2) Ninety (90) days after the final disposition of the appeal or the  
8 post-conviction proceeding.

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